

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MARK D. MARSHALL,

ORDER

Plaintiff,

06-cv-617-bbc

v.

DR. JANET WALSH, MIKE VANDENBROOK,  
DANA DIEDRICH, DR. BRET REYNOLDS,  
JANEL NICKEL, ROBERT HUMPHREYS,  
MARC CLEMENTS, ANTHONY ASHWORTH,  
and DAVID LIPINSKI,

Defendants.

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MARK D. MARSHALL,

Plaintiff,

07-cv-173-bbc

v.

JEFFREY GARBELMAN, GARY ANKARLO,  
DONALD STRAHOTA, DEBRA FISCHER,  
EUGENE BRAAKSMA, MICHAEL MEISNER,  
MICHAEL THURMER, LT. BREMER,  
LT. GREFF, and SGT. BEASLEY,

Defendants.

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In a decision entered earlier today, January 8, 2009, I ruled that plaintiff Mark Marshal could not proceed in forma pauperis on appeal in this case because he has struck out under 28 U.S.C. § 1915(g). Now it has come to my attention that at the time he filed his notices of appeal, plaintiff was no longer a prisoner subject to the Prison Litigation Reform Act. Instead, as shown on the envelope bearing his notices of appeal, he is residing at 1527 E. Adams St. in Springfield, Illinois, 62703.

Persons who are not prisoners subject to the 1996 Prison Litigation Reform Act are allowed to proceed in forma pauperis on appeal “without further authorization” if they were granted leave to proceed in forma pauperis in the district court (which plaintiff was) unless a statute provides otherwise or the court certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis. Fed. R. App. P. 24(a)(3). No statute bars plaintiff’s appeal and I do not intend to certify that plaintiff’s appeal is not taken in good faith. Further, I decline to find that plaintiff is not otherwise entitled to proceed on appeal in forma pauperis.

Therefore, IT IS ORDERED that the portion of this court’s order entered earlier

today denying plaintiff leave to proceed in forma pauperis on appeal is HEREBY RESCINDED.

Entered this 8<sup>th</sup> day of January, 2009.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge